



TALBOT COUNTY BOARD OF APPEALS

APPLICATION PROCEDURE FOR SPECIAL EXCEPTION

Please read the attached material thoroughly. The documents in the application packet should be completed and returned to the Office of Planning and Zoning. The filing fee is \$700.00, which includes a \$400.00 review fee & a \$300.00 deposit for advertising. Any portion of the deposit not utilized will be returned. Checks shall be made payable to **Talbot County**, Maryland.

At the time the completed application is returned with all forms signed and dated, dates will be scheduled for your hearing and sign posting and other pertinent dates. The applicant/agent is responsible for noting these dates and complying with them. Direct any questions to Chris Corkell, Administrative Assistant to the Board of Appeals Office at (410) 770-8040.

1. **Application for Appeal:** Complete the "Purpose of Appeal". This informs the Board what the application is for. You may attach a typewritten sheet if additional space is needed. Please give a **detailed description** of your request.
2. **Special Exception Requirements:** These documents contain questions you will be required to address during the hearing. They are the basis for the appeal. All questions must be addressed, do not leave any questions unanswered.
3. **Adjacent Property Owners:** The Applicant/Agent is responsible for obtaining the names and addresses of all property owners contiguous to the subject property as stated in Article XIV, § 190-112 C of the Talbot County Code. For purposes of this Section, contiguous means all properties adjacent to and opposite said property, measured at right angles to any intervening road or street. Said mailed notice shall be directed to the address to which the real estate tax bill on property is sent. This information can be obtained by contacting Maryland Department of Assessment and Taxation at 410-819-5920 or on their web site at <http://www.dat.state.md.us>. A copy of the tax map is needed with subject property highlighted.

Water Front Property

For parcels fronting on the water, contiguous property owner(s) also include owners of property within 1,000 feet of the subject property, whose line of sight to the subject property is entirely over water.

4. **Article XIV, § 190-112 A Notification:** This statement informs the Applicant/Agent when and where a sign is to be posted. Should two signs be necessary, the Planning Office will inform the Applicant/Agent and posting locations will be designated.
5. **Sign Maintenance Agreement:** This agreement is signed by the Applicant/Agent. The sign is to be continuously maintained in a conspicuous location on the property for 15 days prior to the hearing and returned to the Planning Office within 5 days after the hearing date, or a substantial fine may be imposed. See insert in this package for posting of the sign.
6. **Location Directions:** The Applicant/Agent is responsible for providing detailed directions to the property in question.
7. **Site Plan:** The Applicant is responsible for preparing a site plan which includes: dimensions of property, location of all existing buildings, tree lines and proposed additions showing setbacks from property lines and names of adjoining roads, streams, or bodies of water. The site plan must be drawn to scale. Contact the Board of Appeals Office for number of site plans needed for your project along with (1) additional copy if within the 100' buffer and (1) additional copy if property is located on a state highway.
8. **Written Acknowledgement:** When the Applicant is someone other than the owner of the property for which the Special Exception is requested, the Applicant shall attach to the application a letter of authorization from the owner that he/she has reviewed the application and concurs with its content.
9. **Incomplete Application:** The application shall be delivered to the Talbot County Board of Appeals/Talbot County Planning Office. If the application is incomplete in any respect, it will be returned to the applicant, and shall not be considered filed with the Department. All required Federal, State and/or local permits or approvals must be obtained prior to application submittal.

10. **Covenants:** If your property has a covenant please provide a copy when application is submitted to this office.

INFORMATIONAL PURPOSES ONLY SPECIAL EXCEPTION

Please read and if you have any questions, contact the Board of Appeals Office, Chris Corkell, at 410-770-8040.

Public Hearing Notice: Public notice shall be given for a public hearing on an application for a Special Exception by the Board of Appeals in accordance with the provisions set forth in Article XIV, § 190-112 B of the Talbot County Code.

Site Visit: A majority of the members of the Board of Appeals shall be required to visit the site for which the Special Exception is requested before a hearing. All structures and piers must be staked when application is submitted to this office. However, a decision on a Special Exception shall be decided upon the basis of the evidence of record.

Recommendation of Planning Office: Before deciding any application for a Special Exception the Board of Appeals shall seek the recommendation of the Planning Office. The Planning Office shall concern itself with the necessary findings when formulating its recommendations for a Special Exception. The recommendation shall be considered by the Board of Appeals, and shall become a part of the record but shall not be binding upon the Board of Appeals. The Board of Appeals may request from the Planning Office such technical service, data, or factual evidence as will further assist the Board of Appeals in reaching decisions.

Amendment of a Special Exception: The enlargement or alteration of a use or of the structure and facilities occupied by a use, which was previously allowed by a Special Exception approval, shall require a Special Exception use amendment. Such an amendment shall be reviewed following the same procedures required for a Special Exception as listed above except that the Planning Officer may approve the amendment if the amendment is determined to be minor.

No amendment shall be considered which does not involve the enlargement or alteration of a use, or of the structures and facilities occupied by a use, except on the grounds of new evidence or proof of change of conditions.

New application after denial or revocation of a Special Exception: Following the denial or revocation of a Special Exception, no application for a Special Exception for the same use on the same premises shall be filed within one year from the date of denial or revocation, except on grounds of new evidence or proof of change of conditions.

Expiration of a Special Exception: A Special Exception shall lapse and become null and void one (1) year following the date on which it was approved, unless prior to the expiration date, construction is commenced and diligently pursued toward completion, or unless the use for which the permit was granted is commenced within one (1) year, or unless an application for renewal (for one [1] year only) is granted by the Board of Appeals prior to the expiration date. The permit shall remain in effect so long as the use for which it was issued remains in operation.

A Special Exception shall be transferable, without formal or written confirmation to subsequent owners of a property, provided that there is no significant change in the character of the site or of the use. Any conditions attached to the approval shall continue to be binding by subsequent owners of the site.

Cottage Industry must notify the Planning Officer in writing if ownership changes.

Applicants applying for telecommunication towers will be required to appear for review by Historic Committee, Technical Advisory Committee, Planning Commission and Board of Appeals.

The Administrative Assistant to the Board of Appeals may not give advice with regard to this application nor is she permitted to assist in the preparation.

This original package must be returned with original signatures and dates, you do not need to make additional copies of this package. The only additional copies required will be site plans, floor plans, elevation drawings and miscellaneous exhibits.

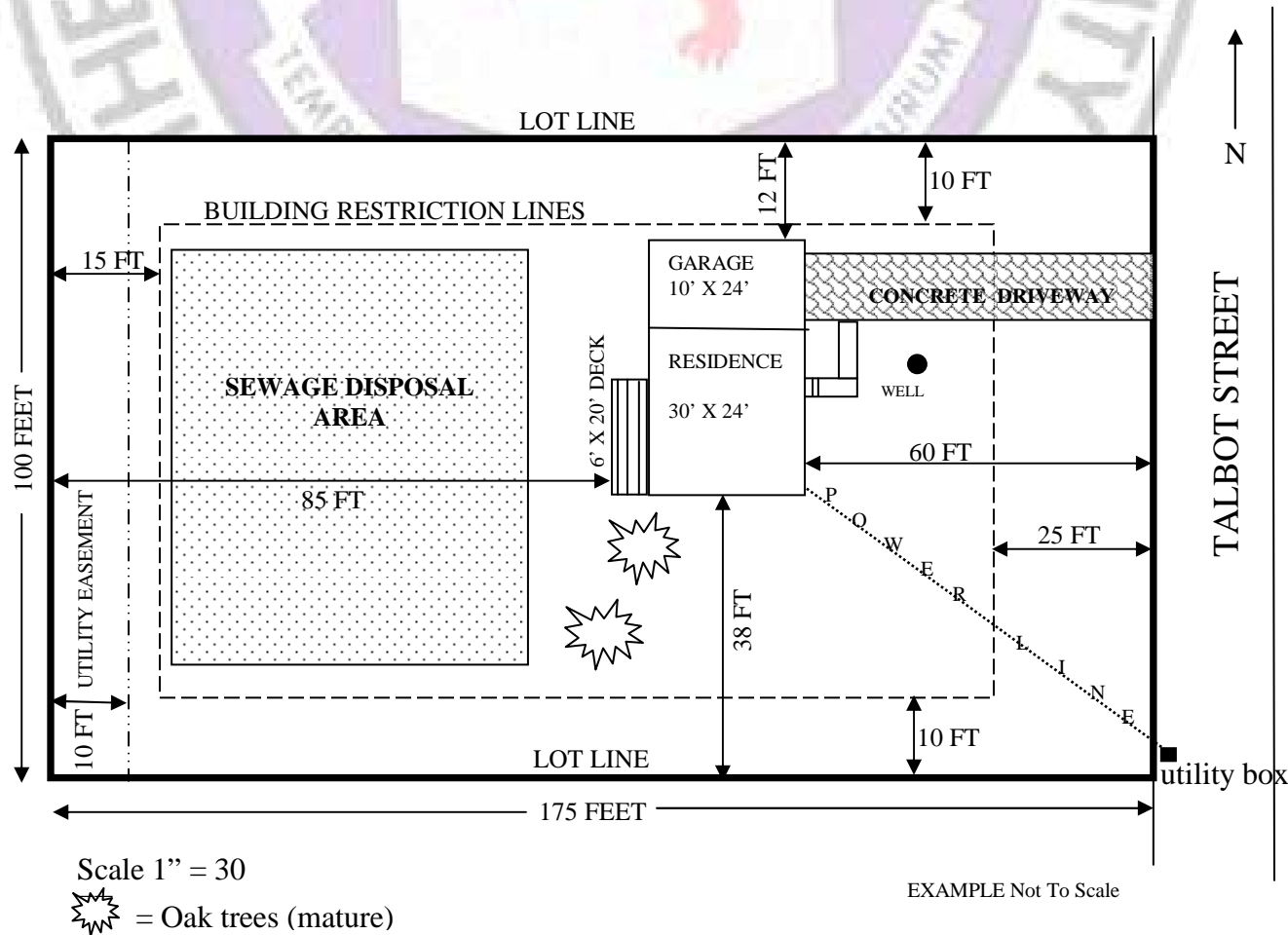


RESIDENTIAL VARIANCES & SPECIAL EXCEPTIONS

SITE PLAN REQUIREMENTS

- Drawing must be to scale. The scale of the drawing and an arrow showing a direction of North, must be noted on the plan.
- Show all boundary lines and lot size.
- Location and dimensions and use of all existing and proposed buildings and structures on the site. Distances from property lines, or setback (setbacks from tidal and non tidal wetlands, 100 foot shoreline development buffer from Mean High Water, streams, steep slopes, state highway, etc.,) to the proposed structure. Measurements need to be taken from the closest point of the structure. Measurements from decks only if structurally connected to the dwelling. Show streams and label bodies of water.
- Show location of underground power lines and all other utility lines & boxes.
- Show forest cover on site, individual standing mature trees and all areas of forest to be cleared.
- Location, name or number of all streets and alleys adjacent to the site. Show any on site or off site easements or private roads that provide access between the site and public road.
- Location of on-site parking and driveways (provide space for at least two cars).
- Show location of well and proposed or existing location of septic tank and drain field (and reserve drain field), as specified by the Health Department.

EXAMPLE SITE PLAN





OFFICIAL USE ONLY

Hearing Date _____
Appeal No. _____
Filing Date _____
Amount Paid _____
Neighbors
Notified _____
Petitioners
Notified _____

To the Honorable, the Talbot County Board of Appeals,

Pursuant to the provisions of the Talbot County Zoning Ordinance for Talbot County, Maryland enacted May 16, 1953, or as amended, request is hereby made for:

xxx Variation from strict application of said Ordinance
 Allegation of Error
 Special Exception

Purpose of Appeal: Special Exception request, state fully the kind of exception desired and reasons therefore. Please give a **detailed description**, may be written or typed on a separate page if needed, label as Attachment A. Variance request may be combined with this application.

Location of Property: _____

Tax Map _____ Grid _____ Parcel _____ Lot _____ Size _____ Zone _____

Property Owner: _____

Address of Owner: _____

Telephone Number: _____ () Election District _____

Applicant's name, address & telephone number if different from owner: _____

Has above property ever been subject of previous Appeal(s)? _____

If so, give Appeal number(s) and date(s) _____

I (we) hereby certify, under penalty of perjury, that the matters and facts set forth in the a foregoing Appeal are true to best the best of my (our) knowledge and belief.

Applicant's/Agent's Signature

IMPORTANT: APPLICATIONS ON WHICH ALL REQUIRED INFORMATION IS NOT FURNISHED WILL BE RETURNED FOR COMPLETION BEFORE PROCESSING, AND SHALL NOT BE CONSIDERED FILED WITH THIS DEPARTMENT.



Name(s) & Addresses of the adjacent property owners. (Article XIV, § 190-112 C) of the Talbot County Code.

Name and Address	Map	Grid	Parcel & Lot #

Applicant Signature

Date



TALBOT COUNTY BOARD OF APPEALS

APPEAL NO. _____
HEARING DATE _____
PLANNING COMMISSION REVIEW DATE _____

"SPECIAL EXCEPTION REQUIREMENTS"

Chapter 190 Zoning – Talbot County Code

Power of the Board of Appeals – see Chapter 190, Article XIV
Article XIV, § 190-105 - Special Exception

Special Exception – Burden of Proof

The applicant for a special exception shall have the burden of proof which shall include the burden of going forward with the evidence and the burden of persuasion to all questions of fact, which are to be determined by the Board of Appeals.

A Special Exception may be granted only when the Board of Appeals finds from a preponderance of the evidence of record that the following standards will be met by the proposed use on the proposed site.

- (a) The proposed use shall be consistent with the purposes and intent of the Talbot County Comprehensive Plan and shall comply with the standards of the land use district in which it is located, except as those standards may have been modified in authorizing the special exception use, or by granting of a variance.

Applicant Response:

- (b) The proposed use shall be designed to be compatible in terms of scale, bulk and general appearance with adjacent land uses and with existing and potential uses.

Applicant Response:

- (c) The proposed use shall provide for the avoidance of significant, adverse impacts on the surrounding area with regard to trash, odors, noise, glare, vibration, air and water pollution and other health and safety factors or environmental disturbances.

Applicant Response:

(d) The proposed use shall be compatible with the pattern of existing developed land use in the vicinity and shall not be detrimental to the use, peaceful, enjoyment, or economic value of existing neighboring property.

Applicant Response:

(e) The proposed use shall not be such as to create a nuisance to other properties in the vicinity, or their occupants, nor a hazard to public health, safety or welfare.

Applicant Response:

(f) The proposed use shall not have a significant adverse impact on public facilities or services including roads, school, water and sewer facilities, police and fire protection or other public facilities or services.

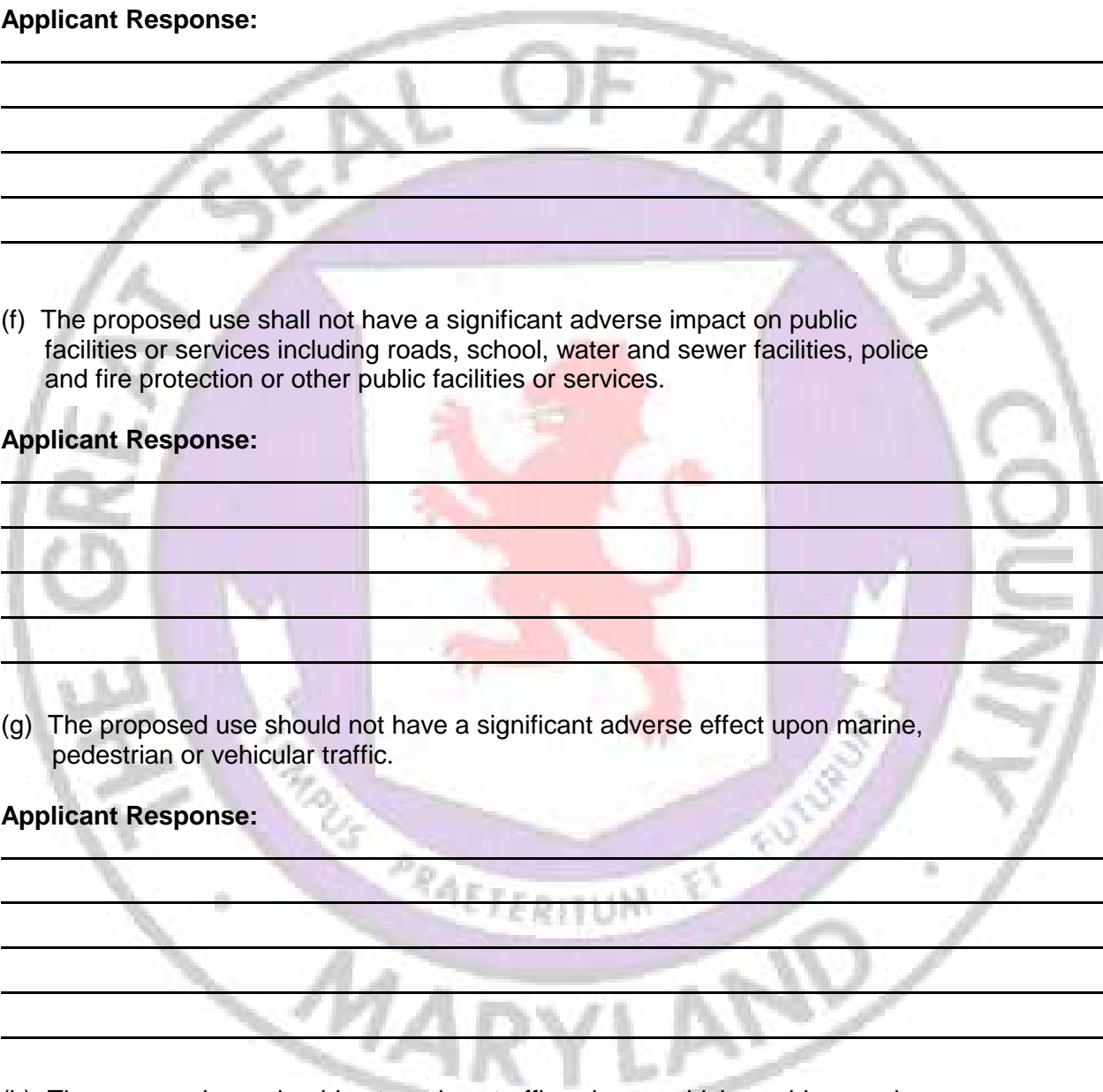
Applicant Response:

(g) The proposed use should not have a significant adverse effect upon marine, pedestrian or vehicular traffic.

Applicant Response:

(h) The proposed use should not produce traffic volumes which would exceed the capacity of public or private roads in the area or elsewhere in the County.

Applicant Response:



(i) Any vehicle access to proposed off-street parking areas and drive-in facilities shall be designed to minimize conflicts between vehicular, bicycle and pedestrian traffic and to minimize impacts on adjacent properties and on public or private roads. In addition, any resulting commercial and truck traffic should not use a residential street nor create a hazard to a developed residential area.

Applicant Response:

(j) The proposed use will not significantly adversely affect wildlife with respect to the site's vegetation or water resource in supplying food, water, cover, habitat, nesting, or other needs of wildlife.

Applicant Response:

(k) The proposed use will not significantly adversely affect adjacent existing agricultural uses.

Applicant Response:

The Board's action will be predicated upon the applicant's compliance with the above.

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Date	Signature of Applicant or Designated Agent

- References:**
- 1. Talbot County Comprehensive Plan
 - 2. Talbot County Code
 - 3. File

All structures and piers must be staked out prior to the Board's site visit.



Site Visits: A majority of the members of the Board of Appeals shall be required to visit the site before a hearing. However, a decision on an appeal before the Board of Appeals shall be decided upon the basis of the evidence of the record.

Decision: A written decision will be prepared containing a statement as to the findings of fact and the conclusions of law upon which such decision is based. The Board's Attorney will render a written decision within 30 days after completion of the hearing. Any person aggrieved by any decision of the Board may appeal the same to the Talbot County Circuit Court within thirty (30) days of the Board's written decision.